

We recognized these facts in 1996, by passing the Defense of Marriage Act overwhelmingly, and reiterating the traditional understanding of what marriage is. Now, by decisions of our courts, concerns have been raised again, and I believe that it is the duty of the Senate to reexamine and, if necessary, reaffirm this important determination.

The great Sam Houston, whose seat I am honored to hold in this body, once said:

The time is fast arising when facts must be submitted in their simplest dress.

I believe that time is now. The facts deserve examination and, if necessary, action.

The question before us now is whether the popular and bipartisan legislation known as the Defense of Marriage Act will remain the law of the land as the people and, most particularly, the Representatives of this body intend, or whether we will be undermined or overturned by the courts.

As many in this body have stated in the past, the Founders could not have anticipated that our Nation would ever reach the point where marriage would ever require such definition.

But neither could they have anticipated the method through which the courts would unilaterally upend our Nation's laws, reading penumbras, emanations, and "sweet mysteries of life" into the legal text as justification for overturning legislative acts.

On an issue as fundamental as marriage, I believe it is the job of the American people, through their Representatives, to decide. We should not abandon this issue to the purview of the courts alone. Some have suggested a legislative answer. Others have suggested a constitutional amendment is needed. In any case, we must consider what steps are now needed to protect and safeguard the traditional understanding of marriage as defined in the Defense of Marriage Act.

Toward that end, I will convene a hearing of the Judiciary Committee's Subcommittee on the Constitution, which I chair, in the first week after we return from the August recess to find out what steps, if any, are required to uphold the Defense of Marriage Act and the congressional intent as embodied in that measure. I hope my colleagues, including the bipartisan majority who overwhelmingly supported the Defense of Marriage Act in 1996, will join me in these efforts.

Perhaps no legislative or constitutional response is needed to reinforce the status quo. And if it is clear that no action is required, so be it. But I believe that we must take care to do whatever it takes to ensure that the principles defined in the Defense of Marriage Act remain the law of the land.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEATH OF WILLIAM R. BRIGHT

Mrs. DOLE. Mr. President, our Nation mourns the loss of Bill Bright, a visionary who founded Campus Crusade for Christ more than 50 years ago.

Bill died last week at his Orlando home from pulmonary fibrosis at the age of 81. In his lifetime, he spread the Gospel of Jesus Christ to hundreds upon hundreds of thousands of people across the world.

I met Bill Bright long before my nephew went to work for Campus Crusade more than 10 years ago. I was in awe of both Bill and his wife, Vonette, for their unwavering commitment to communicating the love of Jesus Christ.

You see, in an amazing act of faith, Bill and Vonette signed a pact with God more than five decades ago—and agreed to leave the business world and the making of money to devote their lives to spreading the Gospel.

Not long after that, in 1951, they began Campus Crusade. The goal, at the time, was to preach the Gospel to students at the University of California at Los Angeles. But God had other plans. The Campus Crusade movement soon spread to other campuses in the United States and eventually around the globe. Today, it is one of the world's major ministries and serves people in 191 countries with a staff of 26,000 full-time employees and more than 225,000 trained volunteers.

Indeed, I would dare say that Campus Crusade has touched the lives not only of students—but the poor and oppressed on every continent, and leadership on every level of society.

Bill Bright's life reflected Christ and proclaimed him boldly. He made an eternal impact on our Nation and our world.

In the 1970s, Bill came up with the popular "I Found It!" signs to signify that "it" was faith in Jesus. He later released a film, called "Jesus," which was a feature length motion picture on the life of Jesus of Nazareth. That film has been seen by millions of people and translated into many languages.

Throughout it all, Bill remained a humble man, simply doing the Lord's work. In 1996, he was awarded the prestigious Templeton Prize for Progress in Religion. That award came with a \$1 million gift. Bill donated all of the money to causes promoting the spiritual benefits of fasting and prayer.

He was, indeed, a true servant of God—a man who lived a life that all of us can admire and strive to emulate.

When I heard of his passing, I recalled something Bill said two years ago when Campus Crusade marked its 50th anniversary . . . "A follower of Jesus Christ can't lose," he said. "If we live, we go on serving. That's an adven-

ture. If we die, we're in heaven with him, and that's incredible."

I imagine somewhere high up in heaven, Bill Bright is having an incredible, miraculous adventure. God bless him!

His words made me think of the book of Revelation on the Bible, in the 7th chapter, which reads, "Therefore are they before the throne of God, and serve him day and night within his temple; and he who sits upon the throne will shelter them with his presence. They shall hunger no more, neither thirst any more; the sun shall not strike them, nor any scorching heat. For the Lamb in the midst of the throne will be their shepherd, and he will guide them to springs of living water, and God will wipe every tear from their eyes."

My thoughts and prayers are with my dear friend Vonette, their two sons, and the entire Campus Crusade family.

The PRESIDING OFFICER. The Senator from Vermont.

#### JUDICIAL NOMINEES

Mr. LEAHY. Mr. President, we have had a lot of discussion about judicial nominees recently. One issue is on the DC Circuit Court of Appeals.

I mention that because at the time when President Clinton nominated highly qualified people to go there, my friends on the other side said the workload was such that the DC Circuit Court of Appeals didn't need extra judges. So they were never given a hearing, never given a vote. One of those nominees is now the dean of the Harvard Law School. In fact, the chief judge, as I recall, a Reagan appointee, said they definitely didn't need more judges; they didn't have the workload. He took that position consistently throughout President Clinton's term.

Now we have a new President. The workload has gone down in that court. But we have several people suddenly nominated for the seats that just a few months ago were unneeded, we were told, by all the Republican leadership. We were told by the Republican leadership on this very political court that we didn't need anybody. Suddenly we need somebody.

The interesting thing about that is the Washington Post, which has been very supportive—more supportive than most newspapers in the country—of President Bush's judicial nominees, no matter who they are, took a different position. Even that paper, which has basically given in many ways—and it is their right—a blank check to the administration, wrote an editorial this morning called "Fueling the Fire." They basically ask what I have: What is the sudden change?

I ask unanimous consent that editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 1, 2003]

#### FUELING THE FIRE

In nominating people to fill the last two seats on the U.S. Court of Appeals for the

D.C. Circuit, President Bush had a unique opportunity to begin de-escalating the war now raging over judicial nominations. The need for judges in these two slots—the 11th and 12th authorized judgeships—is far from clear, as Republicans argued in blocking the confirmation of qualified Clinton administration nominees. Since then, the court's workload has declined. Additional D.C. Circuit nominations should have awaited a more comprehensive understanding of the court's needs. If two more judges were needed, we had hoped that Mr. Bush would have been mindful of the history and nominated qualified candidates who easily could win Democratic as well as Republican support. Instead, Mr. Bush has nominated two people who will only inflame further politics of confirmation to one of this country's highest-quality courts.

Both nominees—White House counsel Brett M. Kavanaugh and California Supreme Court Justice Janice Rogers Brown—are people of substance, nominees whose records and qualifications might well under other circumstances command support. But these nominations could not be better calculated to pour salt on Democratic wounds. Mr. Kavanaugh is a fine lawyer who could be a fine judge. He also has spent the past few years as, first, a key figure in former independent counsel Kenneth W. Starr's investigation and, more recently, an official in the White House counsel's office working on such politically sensitive matters as judicial nominations and executive privilege. Whatever the merits of his work in these two roles, they are sore spots for Democrats.

Likewise, Justice Brown possesses a serious judicial mind. But she also has a long record of opinions that will provoke liberal anxiety; one, for example, declares in its opening section that "private property, already an endangered species in California, is now entirely extinct in San Francisco." It takes nerve for Mr. Bush to ask Senate Democrats to confirm such people to positions whose very necessity Republican senators were busily questioning until only two years ago.

The White House appears to believe that any accommodation of Democratic concerns would be a sign of weakness in the face of the filibusters and stalling of the president's other nominees. Mr. Bush's grievances are real; the Senate continues to filibuster the nomination of the qualified Miguel A. Estrada, for example, more than two years after his nomination. But both sides in the past several years have behaved badly in the fight over judicial nominations. Their war may help both political parties rally their bases and raise money. But it is deeply harmful, not least to the public perception of judging as an apolitical task. And it will not end until someone extends an olive branch. That someone has to be the president, the only person with the power to do it meaningfully. The D.C. Circuit would have been a great place to start. Too bad Mr. Bush is too busy playing politics to lead.

Mr. LEAHY. Because we have discussed at great length an issue involving one of the judiciary nominees, I ask unanimous consent that a letter from the National Council of Churches addressed to President Bush regarding the debate on Alabama Attorney General William H. Pryor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF CHURCHES,  
July 31, 2003.

President GEORGE W. BUSH,  
*The White House,*  
*Washington, DC.*

DEAR MR. PRESIDENT: As religious leaders from various faith traditions, we are fully committed to religious freedom and separation of church and state as basic tenets of our Constitution. We agree with you that, "we (America) must continue our efforts to uphold justice and tolerance and to oppose prejudice; and we must be resolved to countering any means that infringe on religious freedom." Today, we write to express our grave concern about the attempt to make religion an issue in the consideration of judicial nominees.

We were deeply troubled to learn that during a Senate Judiciary Committee hearing last week on the nomination of Alabama Attorney General William H. Pryor, who is being considered for a lifetime position in the U.S. Court of Appeals for the Eleventh Circuit, the Chairman of the Judiciary Committee injected religion into a debate over qualifications for this position. By questioning Mr. Pryor's religious faith, Chairman Hatch supported a scurrilous advertising campaign designed to make those opposed to the Pryor nomination seem guilty of religious bias.

Mr. President, we urge you to immediately denounce the reprehensible behavior of the Senate Judiciary Leadership. We ask that you send a clear message to oppose religious interrogation and restore order and dignity to the judicial nomination process. Judicial nominees can be reviewed on a wide range of criteria—but religion must not be one of them. To allow questioning of religious faith during consideration of nominations will set a dangerous precedent with profound implications on future nominees.

We urge you to protect the integrity of the judicial nomination process by denouncing this behavior. As religious leaders, who take seriously our charge to promote tolerance and justice, we hope you will act swiftly on our request. We have a lot to lose. Our shared values of religious freedom are at stake.

Sincerely,

Rev. BOB EDGAR,  
*General Secretary.*

Mr. LEAHY. I see the very distinguished senior Senator from West Virginia, the most senior member of this body, on the Senate floor. I know he wishes to speak. As soon as he is prepared, I will, of course, yield the floor.

Last night we were able to move five of President Bush's judges, to get them confirmed in a matter of about 20 or 30 minutes. I thank those who worked with me to make that possible. Senator LOTT from the other side of the aisle was very helpful in moving those forward. Senator MCCONNELL was very helpful in moving those nominees forward, as well as a number of Senators on this side of the aisle. Senator HARRY REID, Senator TOM DASCHLE worked with me, along with Senator LOTT and Senator MCCONNELL, to move them. So we were able to move them, actually, in a matter of 20 or 30 minutes.

I mention that because there was a consensus on these nominees. They were not sent up here to divide us but, rather, they were the rare ones who were sent to unite us.

I mention that because we have now confirmed 145 judges for President

Bush. We stopped three. This stands in tremendous contrast to the time of President Clinton, when the Republican leadership stopped 60 of President Clinton's nominees.

For very good reasons, because of their ideology, their obvious intent to politicize the courts, we have stopped three. So we have confirmed 145 and stopped three. Those who are worried that we have politicized this, I would point out, we have stopped three. When President Clinton was there, they stopped 60, usually because one Republican, one, would object. So they were not allowed to have a hearing or vote.

I see my friend from West Virginia, and I yield the floor. I thank the Senator from West Virginia for his usual courtesy.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator from Vermont.

### A PERFECT STORM

Mr. BYRD. Mr. President, the remarks I am about to make can very well be written under the title "Gathering Storm Clouds Over North Korea." Weather forecasters have a name for one of their worst nightmares of violent atmospheric disturbance, triggered by an unusual convergence of weather systems. They call it the "perfect storm."

As the United States continues to be preoccupied with quelling the postwar chaos in Iraq, I worry that the elements of a perfect storm, capable of wreaking devastating damage to international stability, are brewing elsewhere in the world. The forces at play are centered on the escalating nuclear threat from North Korea, but they also include the emergence of Iran as a nuclear contender, the violence and desperate humanitarian situation in Liberia, the near forgotten but continuing war in Afghanistan, and the unrelenting threat of international terrorism.

Just a few days ago, the Department of Homeland Security issued a chilling alert that al-Qaida operatives may be plotting suicide missions to hijack commercial aircraft in the coming weeks, possibly in the United States—a very sobering thought indeed.

Weather forecasters can do little more than watch a storm unfold. They cannot quiet the winds, as Jesus did on the Sea of Galilee, or calm the seas. We require more from the President of the United States when it comes to international crises. The President cannot afford merely to plot the course of the gathering storms over North Korea, Iran, Liberia, Afghanistan, and elsewhere. The President needs to turn his attention to these countries and work with the international community to defuse the emerging crises. The challenge is formidable and there are no easy answers. But the price of inaction could be ruinous.

Of all the looming international threats, North Korea is clearly the